

## REMARKS

Applicants thank the Examiner for indicating allowable subject matter in claims 3, 6 and 11. Applicants have amended claims 3, 6 and 11 to appear in independent form. In these amendments, applicants have replaced the term "above" with "on" so as to be in conformity with expressions elsewhere in the claims.

Applicants have amended claim 1 to recite an anode layer directly formed on the color filter layers based on the disclosure, for example, at page 5, lines 10-12, of the specification. Applicants have amended claims 4 and 9 to include the limitations of claims 5 and 10, respectively. Claims 5 and 10 have been cancelled. Applicants have amended claim 14 based on the disclosure, for example, at page 7, lines 7-12, of the specification. Claim 15 has been cancelled.

The amendments to claim 14 set forth above overcomes the objection to the claim.

Claims 1, 2, 4, 5, 7-10 and 12-14 have been rejected under 35 USC 103(a) as unpatentable over U.S. Patent Publication No. 2001/0050532 (Eida) in view of U.S. Patent No. 6,271,902 (Ogura). Applicants respectfully traverse this rejection.

Claim 1 as amended recites an anode layer formed directly on each of the color filter layers. The claimed direct formation of the anode layer on the color filter layers reduces production costs. See, for example, page 3, lines 4-10, of the specification.

The Examiner equates Eida's color filters 11 to the claimed color filter layers and Eida's lower electrode 2 to the claimed anode layer. See pages 2 and 3 of the Action. However, claim 1 as amended requires that the anode layer be formed directly on the color filter layers. On the other hand, Eida's lower electrode 2 is not formed directly on Eida's color filters 11, because Eida's planarizing layer 10 separates the lower electrode 2 from the color filters 11. Ogura does not cure this deficiency of Eida, because neither Ogura's display electrode 6a nor display electrode 6b is formed directly on Ogura's color filter layers 4, as required by claim 1.

The Examiner relies on Ogura for the teachings of the claimed end portions of the color filter layers. See page 3 of the Action. Applicants point out that persons of ordinary skill in the

art would not have formed the lower electrode 2 of Eida's EL display device directly on the color filter layers 4 of Ogura's LCD display, because the protrusions at the overlapping portions of Ogura's color filter layers 4 are as high as 1.2 to 1.25  $\mu\text{m}$ , as explained at column 13, lines 15-17, and would have caused defects by cutting the white electroluminescent layer. See page 3, line 9-12, of the specification. The only way to neutralize Ogura's high protrusions would have been to form a planarizing layer over them, as is the case with Eida's display device.

Claim 4 states that the step height at the overlapping portion of the color filter layers is smaller than the thickness of the white electroluminescent layer. The Examiner contends that Eida and Ogura together disclose this limitation. See page 5 of the action. Applicants respectfully disagree.

The Examiner states that the step height of Ogura's overlapping portion is 1.2 to 1.25  $\mu\text{m}$  and the thickness of Eida's EL layer is 5  $\mu\text{m}$ . However, paragraph [0101] of Eida, which is relied upon by the Examiner, states that Eida's organic EL layer has a thickness of 0.005  $\mu\text{m}$  to 5  $\mu\text{m}$ . The Examiner does not explain how persons of ordinary skill in the art would have chosen as a thickness of the EL layer the maximum possible value of Eida's available range, when introducing the color filter layers 4 of Ogura's LCD device into Eida's EL display device, despite the extremely wide available range taught by Eida, i.e., 0.005 to 5  $\mu\text{m}$ . As such, the Examiner has failed to carry the burden of establishing a *prima facie* case of obviousness.

Claim 9 recites the same size limitation as claim 4.

Claim 14 as amended modifies the thickness limitations of claims 3, 6 and 11 to conform to the structure recited in claim 14. Applicants note that in rejecting claim 15, which had a limitation similar to the one added to claim 14, the Examiner states that Ogura's red filter layer 4 R is thinner than Ogura's green filter layer 4 G. Applicants agree to this statement. However, Ogura fails to disclose the limitation that the tapered end portion of the thinner layer, i.e., the first color filter layer, is disposed *on* the tapered end portion of the thicker layer, i.e., the second color filter layer. In Ogura's device, the tapered end portion of the thinner layer R is disposed *under* the tapered end portion of the thicker layer G. See FIG. 3G of Ogura.

The rejection of claims 1, 2, 4, 5, 7-10 and 12-14 under 35 USC 103(a) over Eida and Ogura should be withdrawn because Eida and Ogura together do not teach or suggest the claimed invention as a whole.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition or any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **606402015900**.

Respectfully submitted,

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